



12-23-02

PTO/SB/30 (08-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/864,670
Filing Date	May 24, 2001
First Named Inventor	Tetsuo NISHIMOTO
Group Art Unit	2837
Examiner Name	S. Witkowski
Attorney Docket No.	393032025300

RCE  
1-2-03

This is a Request for continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

RECEIVED  
DEC 26 2002  
TECHNOLOGY CENTER 2800**1. Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \*  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \*
- iii. ☐ Other:
- b. ☒ **Enclosed**
- i. ☒ Amendment (21 pp)
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other: Petition for one month extension of time

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.1039(c) for a period of \*  
months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other:

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to  
Deposit Account No. 03-1952. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other:
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	David T. Yang	Registration No. (Attorney/Agent)	44,415
Signature		Date	December 20, 2002

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EV175186672US

Date of Deposit: December 20, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Box RCE, Assistant Commissioner for Patents, Washington, D.C. 20231.

12/24/2002 AWONDAF1 00000031 031952 09864670

01 FC:1801 740.00 CH

  
Marco Jimenez

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

[la-622792]

**FREE TRANSMITTAL  
FOR FY 2002**

Patent fees are subject to annual revision.

DEC 20 2002

PATENT &amp; TRADEMARK OFFICE

Applicant Claims Small Entity Status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$740.00)

Complete if Known

Application Number 09/864,670

Filing Date May 24, 2001

First Named Inventor Tetsuo NISHIMOTO

Examiner Name S. Witkowski

Group Art Unit 2837

Attorney Docket No. 393032025300

## METHOD OF PAYMENT

☐ Check ☐ Credit Card ☐ Money Order ☐ OtherDeposit  
Account  
Number 03-1952Deposit  
Account  
Name Morrison & Foerster LLP

The Commissioner is authorized to: (check all that apply)

- ☒
- Charge fee(s) indicated below
- ☒
- Credit any overpayments
- 
- ☒
- Charge any additional fee(s) required Under 37 CFR 1.16 and 1.17
- 
- ☐
- Charge fee(s) indicated below, except for the filing fee
- 
- to the above-identified deposit account

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	740	2001	370	Utility filing fee	
1002	330	2002	160	Design filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$0)

## 2. EXTRA CLAIM FEES

Total Claims	0	- 20** =	Extra Claims	0	x	Fee from below	18	=	Fee Paid	\$0
Independent Claims	0	- 3** =	0	x	84	= <td>\$0</td> <td><td></td><td></td></td>	\$0	<td></td> <td></td>		

Multiple Dependent

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9			Claims in excess of 20
1201	84	2201	42			Independent claims in excess of 3
1203	280	2203	140			Multiple dependent claims, if not paid
1204	84	2204	42			**Reissue independent claims over original patent
1205	18	2205	9			**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

\*\* or number previously paid, if greater; For Reissues, see above.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
		205	65	Surcharge - late filing fee or oath	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,280	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	440	2502	220	Design issue fee	
1503	600	2503	300	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per properties (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	740
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$740.00)

## SUBMITTED BY

Name (Print/Type)

David T. Yang

Registration No.  
(Attorney/Agent)

44,415

Complete (if applicable)

Telephone

(213) 892-5587

Signature

Date

December 20, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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